

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

IN RE: JOHNSON & JOHNSON
TALCUM POWDER PRODUCTS
MARKETING, SALES PRACTICES
AND PRODUCTS LIABILITY
LITIGATION

Case No. 3:16-md-2738-MAS-RLS

MDL Case No. 2738

DECLARATION OF STEPHEN D. BRODY

I, Stephen D. Brody, hereby declare and state as follows:

1. I am over the age of eighteen, of sound mind, and in all respects competent to testify. I have personal knowledge of the information contained in this Declaration and would testify completely to these facts if called to do so.

2. I am counsel for Defendants Johnson & Johnson and LTL Management LLC *n/k/a* LLT Management LLC (collectively, "J&J") in the above-captioned action.

3. On December 19, 2023, J&J served KCIC with a subpoena duces tecum requesting certain documents and communications relevant to this action. The subpoena provided for a return date of January 5, 2024.

4. The same day the subpoena was served, KCIC's President requested an extra week to produce documents. J&J agreed.

5. On January 4, 2024, J&J met and conferred with the PSC about the scope of J&J's subpoena. The PSC argued that the subpoena was too broad, and J&J disagreed. The parties did not agree to narrow the scope of the requests.

6. J&J again spoke with KCIC's counsel on January 5, 2024. During that conversation, J&J advised that it would not require production of any patient health information.

7. Attached as Exhibit 1 is a true and correct copy of a January 9, 2024 email from KCIC's counsel, Janet M. Nesse of McNamee Hosea, to me in my capacity as J&J's counsel in which Ms. Nesse advised that KCIC did not have any documents related to the Conlan and Birchfield settlement matrix, but that it was collecting responsive communications.

8. Attached as Exhibit 2 is a true and correct copy of an excerpt of the transcript of the oral argument held on January 17, 2024, before the Honorable Judge John C. Porto on J&J's Motion for Order to Show Cause Why Beasley Allen Should Not Be Disqualified From This Litigation, filed in *In re: talc-Based Powder Products Litigation*, Master Docket No. ATL-L-2648-1, Superior Court of New Jersey (Law Division), Atlantic County.

9. KCIC did not produce any documents by the January 5 return date or by the January 12 extended return date, and still has not produced any documents as of the date of this filing.

Executed this 22nd day of January, 2024.

/s/ Stephen D. Brody

Stephen D. Brody

*Counsel for Defendant Johnson & Johnson
and LTL Management LLC n/k/a LLT
Management LLC*